

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Rafeal Bernard Brown, #219882,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Civil Action No.: 4:08-3252-TLW-TER
	)	
Warden, Allendale Correctional Institution,	)	
	)	
Respondent.	)	
_____	)	

**ORDER**

Petitioner, Rafeal Bernard Brown (“petitioner”), proceeding *pro se*, filed this action pursuant to 28 U.S.C. § 2254 on September 26, 2008. (Doc. #1). The case was referred to Magistrate Judge Thomas E. Rogers, III, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 (B)(2)(c), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. #24). On March 23, 2009, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that the action be dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41(b). (Doc. #24). The petitioner filed no objections to the report. Objections were due on April 9, 2009.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this

Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #24). The Court also concludes that the basis for summary judgment, as articulated by the respondent, without response by the petitioner, sets forth a substantive basis to grant summary judgment in this case.

**IT IS SO ORDERED.**

s/Terry L. Wooten  
United States District Judge

April 23, 2009  
Florence, South Carolina